

UNITED STATES DISTRICT COURT

for the

Western District of PennsylvaniaPittsburgh Division

Case No.

2:21-cv-987

(to be filled in by the Clerk's Office)

Jordan M. Dudley

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jordan Sweany et al

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

RECEIVED

AUG 25 2021

CLERK, U.S. DISTRICT COURT
FOR THE WESTERN DISTRICT
OF PENNSYLVANIA

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

Defendants

Jordan Sweeney
Washington Adult Probation

Valarie Costanzo
Judge

Kevin Scheibel
Assistant District Attorney

Washington County Prison
Washington County Jail

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Jordan M. Dudley

All other names by which
you have been known:

ID Number

2009-001-6662

Current Institution

Washington Prison

Address

100 W. Cherry AveWashington

City

P.A.

State

15301

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Jordan Sweany, PO IIJob or Title (*if known*)Probation

Shield Number

Employer

Washington County Adult Probation

Address

29 West Cherry Ave Suite 413Washington

City

PA

State

15301

Zip Code

☐

Individual capacity

☒

Official capacity

Defendant No. 2

Name

Valarie CostanzoJob or Title (*if known*)Judge

Shield Number

Employer

Washington County

Address

~~Washington~~ 1 South Main St Suite 2004Washington

City

PA

State

15301

Zip Code

☐

Individual capacity

☒

Official capacity

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Defendant No. 3

Name

Kevin Scheibel

Job or Title (if known)

Assistant District Attorney

Shield Number

Employer

Washington County

Address

1 South Main St, Suite 1003

Washington

City

PA

State

15301

Zip Code

☐

Individual capacity

☒

Official capacity

Defendant No. 4

Name

Washington County Prison

Job or Title (if known)

Shield Number

Employer

Washington County

Address

100 West Cherry Ave

Washington

City

PA

State

15301

Zip Code

☐

Individual capacity

☒

Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

12 U.S. § 1333 and 1334 as well as 5th 6th and 14th constitutional rights

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

The law is well defined that when a person is confined under punitive

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☒ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☐ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner
☐ Other (*explain*) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

On or about March 15th at 8:45 am

IV. Statement of Claim B

Probation Jordan Sweeney

On or about March 15th at 8:45 am a preliminary probation violation hearing to determine whether or not the offender. I myself, is in violation of probation. I was held over from my violations to a Gagon 11 hearing. On June 30, 2021 at 10:30 am I was ordered to appear for a hearing to determine whether my probation should be revoked. I been in ~~county~~ Washington County Prison from March 10, 2021. The Washington Probation Office. Has put a detainer on me that No bonds man will and can not get me out that is not constitutional I should be able to bond out till my charges are handled.

Valerie Costanzo Judge

She ordered me to stay in jail to the out come of my charges. That is Double jeopardy 2nd punishment.

Kevin Scheibel Assistant District Attorney

Withheld a letter from the victim requesting to be withdrawn from the case 696-2021. As well as charged me with more charges because at the preliminary some of my charges got dropped and I didnt take the plea he offered. Docket number 696-2021 4 out of 5

II Basis for Jurisdiction D

The law is well defined that when a person is confined under punitive pre trial detainee violations of his rights, it is constitutes punishment baring court jurisdiction to impose a 2nd punishment under the double jeopardy protection clause of the constitution.

The constitution forbids the legal authority to hold a person in conditions of a jail unless court ordered to do so and as a key part of plea-bargains, and trials, unless the person is sentenced to sentenced to serve time of up to a year, in the county jail for a crime,

It's a violation, and punishment, for pre-trial detainees to be housed with convicted persons or forced to be housed with others accused of crimes, to be denied daily leisure visiting the same as the would have if they were on O.R. bond, et home (more then already convicted prisoners get in prison, after convicted

C. What date and approximate time did the events giving rise to your claim(s) occur?

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

This is a on going thing with Washington County in general

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

post-traumatic-stress-disorder and Stockholm syndrome

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

fixing the jail to separate all pre-trial detainees and provide them there rights. The court system to change ~~and~~ as well as the probation.

IV. Statement of Claim B

Washington Prison - It is well in law that a pre trial detainee can not be subjected to any type of punishment. In any form. As he is not being held for punishment. But only to ensure that he appears in Court and is entitled to the same rights as if he were on house arrest. More rights then a person that has been convicted and is housed in prison as punishment. I say that to say this washington county prison doe's not follow any 1333 or 1334 rights

Statement of clam C

March 15th at 8:45 ,

June 30th at 10:30

July 27th at 9:50

Statment of clam D

This is a on going thing with washington County in general not following the federal ~~guide~~ guide lines as well as the constutution or the admenments

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Washington County Prison

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

Probation, pre trial detainee rights, Court of common plea

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

In the Washington County Prison

2. What did you claim in your grievance?

my probation, The detainee rights as well as the court of common plea rights

3. What was the result, if any?

unfounded

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

Yes I completed all the process

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

everything is done on the Kiosk

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☒ Yes

☐ No

If no, give the approximate date of disposition. _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

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☐ Yes

☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition _____

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Jordan M. Dudley

 Jordan M Dudley

2009-001-6662

100 West Cherry

Washington
 City

PA.
 State

15301
 Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address